



Frankie
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May 3, 2015

Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Frankie Hampton, Paralegal
999 E Street, NW
Washington, DC 20436

RE: MUR 6924

Dear Ms. Hampton:

This letter responds to the complaint filed with your office by Benjamin Cayetano. In reviewing Mr. Cayetano's ("Cayetano") complaint, it appears that the complaint is directed toward the activities of Andrew Winer ("Winer") and his involvement in Cayetano's failed bid for election to the office of mayor of Honolulu.

The 2012 Honolulu Mayoral Race:

The Honolulu mayoral race is a non-partisan election. This was also true in 2012 when Cayetano ran for that office. The Democratic Party of Hawaii ("Party") does not become involved in the non-partisan races. The Party did not expend any resources or personnel on the mayoral race. The Party was not privy to the activities of the Pacific Resource Partnership ("PRP") in its reported attempt to defeat Cayetano in the mayoral race. Neither did the Party coordinate any activity with PRP. Winer's activities with the Party's Coordinated Campaign had nothing to do with the mayoral race.

2012 Coordinated Campaign:

The purpose of the Coordinated Campaign was to assist the Democratic candidates to become elected. These activities were not limited to the four (4) federal candidates (which included the presidential candidate), but also extended to over approximately 49 state candidates. The Party was very interested in having local democrats elected to the various state offices. Thus, the mission of the Party's Coordinated Campaign was global, encompassing all democratic candidates, both state and federal.

Winer came onboard with the Party's 2012 Coordinated Campaign after the primary election was held. He was retained as an independent consultant, and not an employee. As part of the Party's Coordinated Campaign, Winer functioned as the director of field operations. In

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this role, he was tasked with organizing and mobilizing volunteers to canvass specific neighborhoods as well as organize sign-waving events. Together with other individuals he analyzed and targeted certain precincts where efforts were needed to support democratic candidates. In addition, Winer organized meetings on get-out-the-vote ("GOTV") strategies to encourage a strong democratic turnout for the general election and to ensure the success of the democratic ticket at the polls. Contrary to the implication in Cayetano's complaint (based on a quote from Winer in the media) that these activities primarily focused on Mazie Hirono's U.S. Senate campaign, these activities also included the candidates running for state office, and were designed to give all democratic candidates greater exposure in their neighborhoods. Based on its understanding of Winer's activity as an independent consultant, the Party's allocation of the consultant fees to Winer was proper.

Because the Party was not involved in the non-partisan mayoral race and PRP's campaign, there was no coordination, much less any coordinated communication, with PRP on any level. Although Winer was an independent consultant for purposes of the 2012 Coordinated Campaign, the Party is also not aware of any improper coordinated expenditures or coordinated communications as related to the Party and the Hirono campaign. Finally, while Cayetano also alleges (without any factual support) that the FEC should investigate whether the federal campaigns contributed to the Party's Coordinated Campaign with the understanding that it would be able to place employees in the Coordinated Campaign and have them paid from the Coordinated Campaign, the Party is not aware of any "understanding" between the Party and any federal campaign with respect to the retention of Winer or any other independent consultant or employee.

Given the foregoing, no action is warranted against the Party with respect to Cayetano's complaint. Thank you for your attention to this matter.

Very truly yours,

Stephanie Ohigashi
Chairperson of the Democratic Party of Hawaii